

**Amendments to Specification:**

Please replace the paragraph [0031] beginning on page 11, line 12 with the following amended paragraph:

Figure 11 illustrates a mark **180** according to an additional embodiment of the present invention. An array of patterned elements **182** resides on top of a continuous resist layer **184**. By changing exposure conditions during lithographic patterning and resist thickness, the radiation can be attenuated so that layer **184** is not substantially altered, leaving it impervious to etching during a resist development stage. By careful tuning of the thickness of layer **184**, the optical reflectivity of mark **180** can be altered.